

DATE

Mr. Gary McGoffin
Attorney at Law
220 Heymann Blvd.
Lafayette, LA 70503

**Re: Docket No. 2022-031
Advisory Opinion**

Dear Mr. McGoffin:

The Louisiana Board of Ethics, at its March 4, 2022 meeting, considered your request for an advisory opinion as to whether Kristy Touchet, a board member of the Vermilion Charter Foundation, would be in violation of the Code of Governmental Ethics if she were employed by an entity that may seek to obtain contractual or other business or financial relationships with the Vermilion Charter Foundation.

FACTS PROVIDED

You provided that the Vermilion Charter Foundation (“VCF”) is a Louisiana nonprofit corporation that has submitted a charter school application to the Board of Elementary and Secondary Education. You stated that Kristy Touchet is a VCF board member who receives no compensation for her services to the VCF. You stated that Kristy Touchet is employed as the Human Resources Director for SchoolMint, a privately-owned company that provides school software. VCF has entered into a Management Agreement with Charter Schools USA (“CSUSA”) to develop, manage, staff and operate the Vermilion Charter Academy when it receives charter approval. CSUSA has an ongoing contract with SchoolMint whereby SchoolMint provides administrative software to all CSUSA schools. If Vermilion Charter Academy’s application is approved by BESE, it will utilize SchoolMint’s software.

LAW

La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for services rendered from a person who has or is seeking to obtain contractual or other business or financial relationships with the public servant’s agency.

La. R.S. 42:1102. Definitions

(2)(a) “**Agency**” means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, “agency of the public servant” and “his agency” when used in reference to the agency of a public servant shall mean:

(vi) For public servants of political subdivisions, it shall mean the agency in which the public servant serves, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity.

(16) “**Person**” means an individual or legal entity other than a governmental entity, or an agency thereof.

La. R.S. 17:3996A(20) provides that charter school board officers and employees are subject to the rules and regulations in the Code of Governmental Ethics that apply to public school employees.

ANALYSIS

Once the VCF’s charter is approved and pursuant to La. R.S. 17:3996A(20), VCF board members would be subject to the restrictions in the Code of Governmental Ethics, including La. R.S. 42:1111C(2)(d). As a board member of the VCF, Kristy Touchet’s agency would be the Vermilion Charter Academy. Kristy Touchet is employed by SchoolMint and receives a thing of economic value for services rendered to SchoolMint in the form of a salary. SchoolMint entered into a contractual and/or business relationship with CSUSA to provide Vermilion Charter Academy with administrative software. Once VCF’s charter is approved, SchoolMint is a prohibited source of income to Kristy Touchet, based on the business relationship between SchoolMint and CSUSA to provide services to Vermilion Charter Academy. Therefore, Kristy Touchet would be prohibited from receiving any thing of economic for services rendered from SchoolMint.

CONCLUSION

The Board concluded, and instructed me to inform you, that once the VCF’s charter is approved, the Code of Governmental Ethics prohibits Kristy Touchet from receiving any thing of economic value from her employer, SchoolMint, should SchoolMint provide administrative software services to the Vermilion Charter Academy.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct and or to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER

This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.

No party may rely on the facts or conclusions.